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UNITED STATES BANKRUPTCY COURT
SAN JOSE, CALIFORNIA

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

LAURA ANN GENS,

I,

CASE NO. 13-50106 ASW

**Date of Hearing: June 28, 2013.**

**Time of Hearing: 2:15p.m.**

**Courtroom of Judge Weissbrodt**

**DECLARATION OF DEBTOR IN SUPPORT OF THE OPPOSITION TO TRUSTEE'S MOTION TO DISMISS**

I, Laura Gens, do hereby state:

1. Neither I nor anyone in my household received Trustee's motion to dismiss by mail. The Trustee's office and I have regularly exchanged email correspondence and I did not receive by email either notice of or the motion to dismiss. Today is the first time I was aware of the Trustee's motion.

2. A few days ago, Donna of the Trustee's office called and spoke to my husband about the payment of Trustee's fees (which were paid by me before said phone call). No mention was made of the Trustee's motion during the conversation. Afterwards, I checked the file to see if something had been filed regarding the Trustee's fees. Instead, I found and obtained a copy of the Trustee's motion.

3. Subsets:

1. I have previously supplied Trustee with the insurance information for the CA property as American Security Insurance Company Certificate Number CAR 21205845961 in Atlanta, GA. Wells Fargo has produced no other information despite my requests.

I have previously supplied Trustee with the insurance information for the WI property as DuBois & Associates Policy Number HIH0024153. Colonial Savings has produced no other information despite my requests.

2. I have previously supplied Trustee with the auto insurance information for her two vehicles (1995 Toyota Camry and 2001 GMC truck) as Mercury Insurance policy number 0401 03 003378129.

3. As previously reported to the Trustee, I do not have an executed copy of the Stanford Energy Note for $4,000, and have requested it from the creditor.

4. As previously supplied to Trustee, I have given a copy of all documents of the Capital One credit card account number 5178 0575 3674 6949. Since the filing of the bankruptcy, Capital One has not sent any statements. I have sent a written request to Capital One asking for an updated statement. No response has been received.

5. I have previously provided to the Trustee that I am not in arrears on either of the secured loans.

6. I previously supplied the following information to Trustee. Mr. Lewis was paid $10,000 in about December 2011 by my mother-in-law Irene Gens on behalf of I. This was disclosed to the Court in a filing made by Mr. Lewis.

Mr. MacDonald was paid $5,000 by my husband on behalf of I in about May 2012.

Mr. Wolny was paid $2,000 by me in cash in about June 2012. I lost the receipt.

Mr. Irione was paid $2,000 by my husband on behalf of I in about August 2012.

7. I previously reported to Trustee that Union Bank has been requested to change the bankruptcy number for the debtor in possession account.

8. I am confused as to where in the petition such information goes. I have supplied the details of the two prior bankruptcies in every filing made before this Court.

9. Schedule B needs no amendment as it correctly reflects assets owned by me and any

community property assets. These are the same assets accepted by the Trustee in the prior bankruptcy. I have consistently testified in each bankruptcy that certain assets belong to her husband outside of community property by their mutual agreement.

10. Schedule C needs no amendment as it correctly reflects assets owned by me and any community property assets. These are the same assets accepted by the Trustee in the prior bankruptcy. I have consistently testified in each bankruptcy that certain assets belong to her husband outside of community property by their mutual agreement.

11. Although the Trustee accepted Schedule E in the prior bankruptcies without adding the IRS and FTB, I have no issue with making the amendment to accommodate the Trustee's change in position and have done so.

12. Schedule H needs no amendment as it correctly reflects assets owned by me and any community property assets. These are the same assets accepted by the Trustee in the prior bankruptcy. I have consistently testified in each bankruptcy that certain assets belong to her husband outside of community property by their mutual agreement.

13. Schedule I needs no amendment as it correctly reflects assets owned by me and any community property assets. These are the same assets accepted by the Trustee in the prior bankruptcy. I have consistently testified in each bankruptcy that certain assets belong to her husband outside of community property by their mutual agreement.

14. I have asked for clarification from the Trustee on this demand as it is confusing. Schedule J already lists all household expenses.

15. The Statement of Financial Affairs needs no amendment as it correctly reflects assets owned by I and any community property assets. However, I have tried to add further clarity with an amendment.

16. I have previously informed the Trustee that no payments have been made to the creditors within the last 90 days. No amendment is necessary.

17. I previously informed the Trustee that the debt counseling certificate attached to the petition filing costs $25. Amendment to the Statement has been made.

4. I timely filed the first monthly operating statement for January 2013. In March, the Trustee then said that I used the wrong form. I asked for clarification from the Trustee Office as to which electronic form should be used. I was told that the form was "at the website." So I selected what seemed to be an appropriate form and filed the February MOS late. Then in April the Trustee said that I again used the wrong form. So I again asked for the correct form. No response from the Trustee's office. So I went back to the original form as it presents all the information necessary for the Trustee to know what is happening in the estate and I amended the February MOS. Each MOS has the monthly statement for the debtor in possession account. So all the income and expenses are in each MOS.

I declare under penalty of perjury under the law of the State of California that the foregoing is true and correct.

June 25, 2013

Laura Gens